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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,317	03/25/2005	Robert Krause	KRB-10002/08	8644
25006	7590	01/03/2008		
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021			EXAMINER WILSON, KAITLIN A	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 01/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/529,317

**Applicant(s)**

KRAUSE, ROBERT

**Examiner**

Kaitlin A. Wilson

**Art Unit**

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d).

### *Information Disclosure Statement*

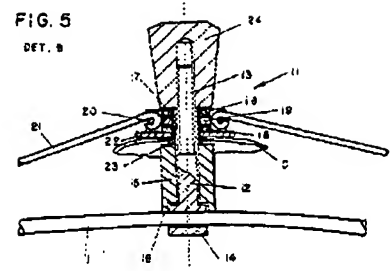
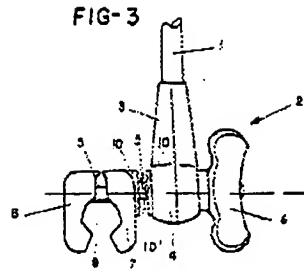
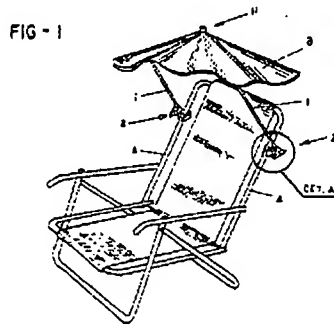
2. The information disclosure statement (IDS) submitted on 06/23/2005.  
Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 102*

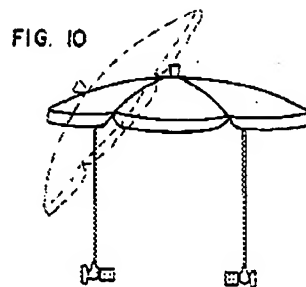
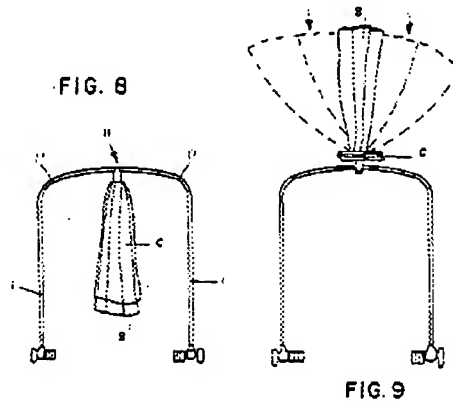
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

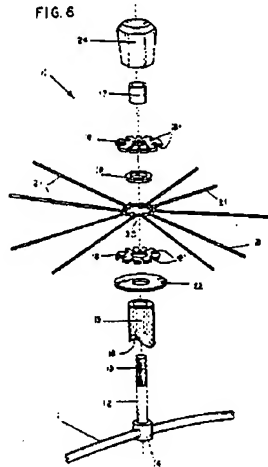
4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuser (US 4,809,724).
5. In re Claim 1, with reference to Figures 1, 3 and 5, Fuser discloses a sun shade apparatus for use with a printed work, said apparatus comprising:
  - a shade member (15-24, figure 5);
  - an attachment apparatus (figures 3 and 6) having a positioning member (1,12-14) and a clip (7 and 8), said positioning member (1,12-14) pivotally attached to said shade member (15-24, Figures 8-10), said clip (7-8) extending from said positioning member on a longitudinal axis at an angle to said shade member, said clip adapted to receive the printed work therebetween.



6. In re Claim 2, with reference to Figures 8-10, Fuser discloses that the positioning member (1, 12,14) is pivotable (Figures 8-10) with respect to said shade member (15-24) between at least two discrete positions.



7. In re Claim 3, with reference to Figure 6, Fuser discloses that said shade member (15-24) further comprises an aperture for receiving (24) said positioning member (1,12-14), said aperture (24) having a plurality of notches (col. 2, lines 35-38).



8. In re Claim 4, with reference to Figure 6, Fuser discloses that said positioning member (1,12-14) further comprises a plurality of radially extending teeth (13) adapted to engage said notches (24, col. 2, lines 35-38) for positioning said member (1,12-14) in a selected one of said at least two positions (figures 8-10).

9. In re Claim 5, with reference to Figures 2 and 3, Fuser discloses that said clip member (7 and 8) is movable with respect to said positioning member (1,12-14) between an extended position and a folded position (col. 1, lines 60-64).

10. In re Claim 6, with reference to Figure 2, Fuser discloses that said clip (7 and 8) has an elongated arm (7) and a resilient outer portion (8).

11. In re Claim 7, with reference to Figure 6, Fuser discloses that the shade (15-24) includes a rigid frame (21) and a flexible cover (B).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Driscoll (US 6,405,742 B1) teaches a portable sun shade with pivoting members. Sachs (US 6,202,659 B1) teaches a sunshade device that pivots for positioning. Hames et al. (US 5,441,067) teaches a sun shade with a clamping member at the base for attachment to an article. Pintos (US 4,100,633) teaches a positioning member that includes teeth that are set into notches. Bushweller et al. (US Patent 5,896,880) teach an umbrella with a clip member for attachment to a book.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin A. Wilson whose telephone number is (571)-270-3206. The examiner can normally be reached on Monday - Friday (7:00am-4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571)272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kaitlin A. Wilson

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal stroke extending to the right.

DAVID DUNN  
SUPERVISORY PATENT EXAMINER